the iron granules are encapsulated with a coating selected from the group consisting of monoglycerides, diglycerides, ethyl cellulose, hydrogenated soy bean oil and mixtures thereof; and

the excipient is an edible oil in hydrogenated form.

C1 cont.

34 (New). The article of manufacture of claim 33 comprising 10-17 mg of elemental iron in the form of microencapsulated granules and 400-500 mg of excipient.

35 (New). The article of manufacture of claim 34 further comprising 40-50 mg of ascorbic acid.

REMARKS

Status of Claims

Claims 7-30 are in the application.

Claims 7-30 have been rejected.

By way of this amendment, new claims 32-35 have been added.

Upon entry of this amendment, claims 7-30 and 32-35 will be pending.

Summary of Amendment

New claims 32-35 have been added to more clearly define particular embodiments of the invention. Support for new claims 32-35 is found throughout the specification such as on pages

2-7. No new matter has been added.

Summary of the Invention

The present invention relates to an iron supplement and method of using the same. The iron supplement of the present invention comprises an admixture of microencapsulated iron granules and a lipid excipient. The present invention relates an article of manufacture in which the admixture is packaged in a therapeutically effective amount to prevent iron deficiency anemia (claims 12-22, 28, 30 and 33-35). According to the present invention, the admixture may be removed from the package and added to food which can then be administered without further processing (claims 7-11 and 29). According to the present invention, the admixture may be combined with the food to be eaten at the time it is to be consumed (claims 23-27 and 32).

Response to the Official Action

Claims 7-30 have been rejected as obvious over Kovacs. Applicant respectfully disagrees. Kovacs discloses addition of an iron-containing composition to breakfast cereal during its manufacturing process such that the iron composition becomes part of the cereal.

The iron supplement according to the present invention comprises an admixture of microencapsulated iron granules and a lipid excipient. Kovacs neither teaches nor suggests coating the iron particles with an inert material and then combining the microencapsulated particles into a lipid carrier.

The present invention relates an article of manufacture in which the admixture is packaged in a therapeutically effective amount to prevent iron deficiency anemia. Nothing in

Kovacs teaches or suggests articles of manufacture as claimed which can be used by a consumer/individual to add an iron supplement to food. Rather, Kovacs discloses using iron in the manufacture of iron-supplemented food products.

More particularly, Kovacs teaches that the fat encapsulated iron must be added during the manufacturing process so as to allow the fat encapsulated iron to melt and coat the breakfast cereals or other food stuff properly. Kovacs teaches that the temperatures required to achieve this coating are only those achieved during manufacturing and not those normally attainable, even for hot cereals, in a non-manufacturing setting.

The importance of high temperatures is discussed in Column 5, lines 50-55 wherein the fat used to encapsulate or coat the iron must be solid at room temperature and preferably have a melting point of 100 degrees F, more preferably 250 degrees F.

Example 1 suggests that the particulate material must be applied while the flakes emerge from the toasting oven, while the flakes are still hot. A more detailed description of what is meant by hot is found in Example 3, wherein the process for manufacturing Rice Krispies is found and the Rice Krispies are said to emerge from the oven puffing step at "temperatures in excess of 160 degrees F". Example 3 further suggests either "cooking in" the encapsulated iron by adding during the cooking step during manufacture, or "fat encapsulated" which means adding to the breakfast cereal as it emerges from an oven at a temperature of 420 degrees F. Kovacs teaches away from the present invention by teaching that the food product is manufactured to include iron which is added during production by the manufacturer rather than

teaching that packages of supplemental iron are produced which are used by the consumer to add to food at the time of consumption.

According to the present invention, the admixture may be removed from the package and added to food which can then be administered without further processing and at the time it is to be consumed. Kovacs describes adding the iron supplement to the food during its manufacture so that it becomes an integral part of the final food product. Kovacs teaches away from the present invention by teaching that the iron is added during production by the manufacturer rather than by the individual at the time of consumption.

The subject matter of claims 7-30 and new claims 32-35 is neither taught nor suggested by Kovacs. The rejection of claims 7-30 under 35 USC §103 as being obvious over Kovacs should be withdrawn.

Conclusion

Reconsideration and allowance of this application is now respectfully requested. For the foregoing reasons, Applicants respectfully request that claims 7-35 be allowed at this time.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned **"Version with markings to show changes made."**

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims:

Claims 32-35 have been added.